



## U.S. Fish and Wildlife Service

# Questions & Answers:

## *“Take” restrictions for Coastal Cutthroat Trout*

### **What has happened?**

A “proposed rule” has been published in the *Federal Register* notifying the public of a change from the way protections for coastal cutthroat trout in Southwest Washington and Northwest Oregon were described in an earlier notice. That notice announced the proposal to list the population as a threatened species. The current notice includes lists of activities which may or may not cause illegal “take” (harm, harassment, etc.) of these fish if they become listed.

### **Why the change?**

It is due to the change in jurisdiction over the species from the National Marine Fisheries Service (NMFS) to the U.S. Fish and Wildlife Service (Service).

### **Why was jurisdiction changed?**

The original petition that lead to the listing of the Umpqua cutthroat trout focused on the anadromous (sea run) component of this population, so NMFS took lead responsibility. After NMFS completed a status review assembling detailed biological information it became clear that the species as a whole does not spend the majority of its life cycle in the ocean. By the terms of a 1974 interagency agreement, the “majority” threshold is the determining factor for which agency will have ESA jurisdiction over a species, so the agencies have agreed that the Service will have jurisdiction.

### **What is the difference in protections?**

Essentially - timing. By regulation, the Service prohibits take of threatened species as soon as they are listed. NMFS prohibits take of threatened species only through development of a separate special rule, and that rule may not be developed until well after a listing is final. While the prohibitions against take may ultimately be the same, the need to review proposed activities that may cause take comes into play sooner if the species is listed by the Service. Some examples of activities which could be affected are development which destroys or alters habitat; construction or maintenance of sewer, water and transportation infrastructure; and the regulation of sport fishing.

**When might this population become listed?**

The proposal to list the Southwest Washington/Columbia River population of coastal cutthroat trout as threatened is still being considered, with the decision due in the fall of 2000.

**What is the expected impact of these restrictions if the population is listed?**

Potential impacts are impossible to predict at this point. However, most of this area is home to other species of listed fish, such as steelhead, which have similar requirements for protection. Developers and local agencies already are dealing with these requirements where the species overlap. The exact proportion of streams in the area where there are not yet any ESA restrictions to protect fish has yet to be computed.

**Does the public get to make comments on the change?**

The fact that this is a “proposed” rule means there will be time for public comments on the lists of activities that may or may not cause “take” before the final decision is made. Those lists of activities are in the *Federal Register* notice, which was published July 14, 2000, and is available on the internet at: [http://www.access.gpo.gov/su\\_docs/aces/aces140.html](http://www.access.gpo.gov/su_docs/aces/aces140.html). Those without internet access may contact the Service or NMFS at one of the numbers below to obtain a copy of the notice. Comments on the lists of activities should be sent to the Supervisor, U.S. Fish and Wildlife Service Oregon State Office, 2600 S.E. 98th Ave., Portland, OR 97266, or emailed to [coastal\\_cutthroat@fws.gov](mailto:coastal_cutthroat@fws.gov). Comments must be received by August 14, 2000.

**Who can I contact for more information?**

For Fish and Wildlife Service issues in Oregon, contact the Service’s Oregon State Office in Portland at 503-231-6179.

For Fish and Wildlife Service issues in Western Washington, contact the Service’s Western Washington Fish and Wildlife Office in Lacey, Washington, at 360-753-9440.

For questions related to the National Marine Fisheries Service, contact the NMFS office in Portland at 503-230-5400.